

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF TEXAS

CHARLES WESTERBY,

Plaintiff,

versus

KEN PAXTON, *et al.*,

Defendants.

CIVIL ACTION NO. 1:20-CV-226

ORDER ADOPTING THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

Charles Westerby, proceeding *pro se*, filed this civil rights lawsuit. The court previously referred this matter to the Honorable Christine L. Stetson, United States Magistrate Judge, for consideration pursuant to applicable laws and orders of this court. The magistrate judge has submitted a Report and Recommendation of United States Magistrate Judge recommending that a motion to dismiss filed by defendant Paxton be granted to the extent that plaintiff's attempt to serve that defendant be quashed. To date, the parties have not filed objections.

The court has received the Report and Recommendation, along with the record, pleadings, and all available evidence. After careful review, the court finds that the findings of fact and conclusions of law contained in the Report and Recommendation are correct.

Accordingly, the findings of fact and conclusions of law of the magistrate judge are correct, and the report of the magistrate judge (#57) is **ADOPTED**. The motion to dismiss (#42) is **GRANTED** to the extent that the attempt to serve defendant Paxton is quashed. A separate order shall be entered directing the Clerk to provide plaintiff an additional summons for the purpose of serving defendant Paxton.

SIGNED at Beaumont, Texas, this 8th day of March, 2023.

Marcia A. Crone

MARCIA A. CRONE
UNITED STATES DISTRICT JUDGE